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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Lithuania, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-22153 (E) 270302

Annex

Letter dated 28 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Lithuania to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your note of 18 October, 2001, I have the honour to submit to you the report of the Government of the Republic of Lithuania to the Counter-Terrorism Committee on measures Lithuania has taken to implement the provisions of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Andrius **Namavičius**
Chargé d'affaires a.i.

Enclosure

Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)

IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1373 (2001)

Legislative measures

On October 31, 2001 the Government of Lithuania passed Resolution No. 1281 on the measures for the implementation of the UN Security Council Resolutions 1333 (2000) and 1373 (2001). The Resolution is attached.

The guidelines for the Draft National Anti-Terrorism Program were established by decision of the State Defense Council of Lithuania on September 19, 2001.

The Draft Program is divided into the following main directions:

1. participation in the activities of the international community;
2. enhancement of the general antiterrorist legal framework;
3. protection of the possible targets of terrorism;
4. identification of persons suspected of involvement in terrorist activities;
5. identification of possible terrorist funds or other assets;
6. investigation of terrorist acts;
7. overcoming the crisis situations caused by terrorist acts;
8. reinforcement of the antiterrorist intelligence.

Every direction is developed into more than fifty concrete measures or actions, covering the full range of legal, criminal, financial, intelligence and operational mechanisms.

The National Anti-Terrorism Program will address the measures requiring a medium or long term answer. Those measures will be implemented from a 3 month to 2 years period. The National Anti-Terrorism Program is in the final stage of preparation and will be adopted by the Government in January, 2002.

The Government has allotted additional 7 000 000 Litas (1 750 000 USD) in next years' state budget for the fight against terrorism.

Executive action

Stepped-up security measures are taken to protect strategic sites including the extension of the no-fly zone over the Ignalina nuclear power plant. The control of the Lithuanian borders is being enhanced. Other possible targets of terrorism, such as foreign Embassies, receive a better protection.

Supplementary air transport and airport security measures have been taken by the Civil Aviation Administration on 14 September:

- strengthening of control over the access to the controlled areas of the airports;
- conducting of oral questioning of passengers;
- performance of aircraft checks before boarding;
- ensure luggage and cargo handling only after they have been checked;
- locking the door of the crew cabin.

A list of names of suspected terrorists is investigated for possible identification at the State Security Department and other government institutions, such as State Border Guard Service. There are no indications that persons linked with Usama bin Laden network are on Lithuanian territory.

Criminal groups in Lithuania are also part of this investigation in order to identify or establish possible connections to terrorists.

Enhanced surveillance of persons related to terrorism has been put in place in order to prevent them entering Lithuania.

The movement of goods susceptible to be used for terrorist activities (explosives, weapons, biological, chemical, nuclear materials) is under the enhanced control in order to prevent the entry or transit through the Lithuanian territory.

Contact Persons in the Ministry of Foreign Affairs and diplomatic representations of Lithuania for the anti-terrorist campaign have been appointed.

Other actions taken to implement resolution 1373 (2001)

In accordance with Decision No. 25 of the State Security Council of 19 September 2001, the State Security Department is the co-ordinating institution in Lithuania for combating terrorism. The other institutions involved, within their competence and functions are the following: Ministry of Internal Affairs, Ministry of National Defence, Ministry of Transport and Communications, Ministry of Economy, Ministry of the Environment, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Health, Prosecutor General's Office under the authority of the Supreme Court of Lithuania. Taking part in the implementation of specific measures under the draft National Anti-Terrorism Program of Lithuania are a number of other public institutions within their competence.

In accordance with the Resolution of the Seimas (Parliament of Lithuania), adopted on 20 September 2001, amending the Seimas Resolution On the Development of Long-Term State Programmes for Strengthening Public Security and Their Implementation Plan, the State Security Department has drawn up a draft National Anti-Terrorism Program of Lithuania.

The Draft National Anti-Terrorism Programme provides for conducting an analysis of the links between organized criminal groups, smuggling of dangerous substances, illegal trafficking in arms and narcotic substances, explosives and human beings, and terrorist activities. The Program shall provide for measures preventing such criminal activities.

International co-operation

Lithuania has identified the following disaster relief resources to aid the United States:
- One epidemiologist (military medical officer);
- Two military medical emergency crews;
- A victim identification unit;
- Other disaster relief assets upon specified request.

The NATO Euro-Atlantic Disaster Relief Co-ordination Center has been advised on these available resources.

Authorization has been issued for US Governmental and military aircrafts,to use the Lithuanian air space and land in Lithuanian airports until the antiterrorist campaign comes to an end.

12 Lithuanian military medical personnel are offered for participation in the Operation "Enduring Freedom" as a part of the Czech field hospital.

The Lithuanian Government has allocated 50 000 Litas (12 500 USD) financial assistance for Afghanistan refugees, which will be transferred to the account of the Office of the UNHCR.

Lithuanian police authorities accepted the international warrant for the arrest of Usama bin Laden.

Full data from the Baltic Air Surveillance Network (BALTNET) can be provided through linking BALTNET to NATO air surveillance systems.

A Declaration on Joint Measures by Estonia, Latvia and Lithuania in response of terrorist attacks against United States has been issued.

Antiterrorist intelligence and international co-operation to combat terrorism is being enhanced. Lithuanian authorities are ready to share intelligence with allies and partner countries. Working contacts between the State Security Departments of Lithuania and Poland, Estonia, Latvia, Russia, Ukraine, Belarus have been established.

Joint training programs of Lithuanian and Polish special military forces are foreseen.

Signing of the Agreement between Lithuania and the United States of America concerning co-operation in the area of the prevention of proliferation of weapons of mass destruction and promotion of defense and military relations has been proposed.

RESPONSES TO THE QUESTIONS OF THE COUNTER TERRORISM COMMITTEE

Operative Paragraph 1

Sub-paragraph (a) - What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

The Section on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs enjoys the status of a unit of financial intelligence, and since 1999 a full member of the Egmont Group (an informal organization which provides a forum for Financial Intelligence Units to improve support to their respective national anti-money laundering programs).

Since the terrorist acts of September 11, 2001, in the United States, the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs has been receiving requests from the law enforcement institutions of other countries for information on natural and legal persons that may be connected to terrorism. Currently the Section on the Prevention of Money Laundering of the Tax Police Department is conducting an investigation in respect of those subjects.

In accordance with the Law on the Prevention of Money Laundering of Lithuania, the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs has sent enquiries to commercial banks of Lithuania and branches of foreign banks established in Lithuania requesting information on the bank accounts of persons and organizations suspected with terrorist activities, held in the credit institutions of Lithuania. These institutions are requested to inform the Division on the Prevention of Money Laundering of the Tax Police Department under the authority of the Ministry of Internal Affairs without any delay in case the persons or their representatives referred to above open new accounts, make deposits, use safety deposit boxes, make any other agreements or cash transactions.

In supervising the activities of the credit institutions, the Bank of Lithuania, in accordance with the Law on the Bank of Lithuania, has a right to receive all the information necessary for its supervision function from public and credit institutions, their branch companies as well as from other enterprises, institutions and organizations. The information received may not be disclosed publicly or passed to any persons, except to administrative, control or law enforcement institutions in cases provided for by the law. Under the Law on Commercial Banks, the Bank of Lithuania has a right to receive, on request, all the documents and information related to the establishment of the commercial bank and its activities. At the request of other institutions, documents and information is provided in the cases and in the procedures provided for by the law.

Under Article 12 of the Law on the Prevention of Money Laundering, credit and financial institutions engaged in cash transactions are obliged to supply information on the identity of the client and his or her cash transaction to the tax police in cases where the amount of a single cash transaction or a group of related cash transactions is in excess of 50,000 Litas (12 500 USD) or the respective amount in foreign currency. Notaries public and persons entitled to perform notarial actions are obliged to supply information on the identity of the client and his or her cash transaction to the tax police in cases where the amount received or paid under the transaction is in excess of 50,000 Litas (12 500 USD) or the respective amount in foreign currency. The

information supplied to the tax police shall include information on the identity of the client; in cases where the cash transaction is made through a representative, the information on the identity of the representative; the amount of cash involved in the transaction; the currency in which the cash transaction was made; the date of the cash transaction; the manner in which the cash transaction was made; the subject on whose behalf the cash transaction was made.

Insurance companies inform the tax police of the identity of the client and the insured person and of the premiums received in cases where from the beginning of the calendar year or from the latest report the amount of single premiums under one or more policies exceeds 10,000 Litas (2 500 USD) or where the amount in periodical premiums exceeds 5000 Litas (1 200 USD), or the respective amounts in foreign currency.

Credit institutions inform the tax police of the identity of the client and a single operation of currency exchange in cases where the amount of cash exchange is in excess of 20,000 Litas (5000 USD), or the respective amount in foreign currency.

The Draft National Anti-Terrorism Programme of Lithuania provides for the following measures suppressing the financing of terrorism:

1. to draw up amendments to the Law on the Prevention of Money Laundering by including provisions on the prevention of terrorist financing and by conferring respective powers to the State Security Department.
2. to create a system for the suppression of terrorist financing through the credit and financial institutions operating in Lithuania.
3. to create a regime of declaration of acquisitions of expensive assets in the of Lithuania by non-nationals or other funds acquired or transferred by them.
4. to tighten the procedures for the establishment of the identity of the clients of the credit and financial institutions of the of Lithuania.
5. to define the criteria of suspicion to be applied to the cash transactions possibly related to terrorist financing carried out at credit and financial institutions.
6. to expand the mandatory register of the cash transactions by the clients of credit and financial institutions by including information on suspicious transactions possibly related to terrorist financing.
7. to develop a database of financial information on suspicious cash transactions and the legal and natural persons engaged in such transactions.
8. to consider possibilities of receiving financial information related to terrorist financing directly from other states and also through other institutions of the of Lithuania.

These measures will be implemented by the end of the year 2002. While implementing them Lithuania intends to consult with the experts from the region as well as US and other countries.

Sub-paragraph (b) - What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

Under the Criminal Code of Lithuania conspiracy in the criminal act includes perpetrating, organizing, abetting and other accessory help in the criminal act (consulting, financing, supply of equipment, obviating obstacles). Thus, the willful provision or collection of funds with the intention that these funds should be used in order to carry out terrorist acts falls under the definition of conspiracy in connection with criminal acts provided by Article 227^1 "Criminal group" and Article 227^3 "Terrorist Act" of the Criminal Code.

The criminal activities under Article 227^1 "Criminal group" are punishable by imprisonment from 4 years up to life imprisonment. The terrorist activities under article 227^3 are punishable up to life imprisonment.

The Seimas of Lithuania is currently considering the draft law on the amendment of Articles 226^1 and 227^3 of the Criminal Code by expanding the concept of a terrorist act, establishing criminal responsibility not only for planting explosives, bombing or arson but also for any other destruction or damage of a building or facility, or the spread of biological, radioactive or chemical substances, preparations or micro-organisms. In addition, criminal responsibility is established for the creation of a terrorist group consisting of three or more persons, the financing of or provision of any other support to such a group. This is in line with the UN Convention for the Suppression of the Financing of Terrorism of 9 December 1999 and Resolution 1373 (2001) of UN Security Council of 28 September 2001. Corresponding amendments will be made to Article 250 of the newly adopted Criminal Code.

Draft Paragraph 5 Article 227[3] provides that the creation of or participation in a terrorist group consisting of three or more persons for the commission of a terrorist act or the financing of such a group or the provision of any other support to it will be punishable by imprisonment from four to ten years.

Sub-paragraph (c) - What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

Articles 194[1], 194[2] and 195 allow the police investigator, the interrogator and the prosecutor to suspend the ownership rights to assets, including funds in bank accounts, or to seize the assets on a reasoned decision sanctioned by the Prosecutor General or the Deputies of the Prosecutor General of Lithuania, or by the chief prosecutors of regions or districts or their deputies. These measures may be applied to ensure the possible forfeiture of the assets. It is noteworthy that under Article 93 (1) of the Criminal Code the instruments of the crime belonging to the defendant must be confiscated.

Sub-paragraph (d) - What measures exist to prohibit the activities listed in this sub-paragraph?

Resolution 1281 of the Government of Lithuania ensures that measures are undertaken in order to prohibit the disposal of funds and other financial assets of Usama bin Laden and individuals and entities associated with him including the Al-Qaida organisation. This prohibition applies also to funds derived or generated from the property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him. The Resolution ensures that no funds or financial resources are made available by the nationals of Lithuania or by any persons or entities within the territory of Lithuania, directly or indirectly, for the benefit of Usama bin Laden, his associates or any other persons or entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organisation.

Operative Paragraph 2

Sub-paragraph (a) - What legislation or other measures are in place to give effect to this sub-paragraph? In particular what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The Criminal Code of Lithuania establishes the responsibility for the creation of a criminal group with the aim of common criminal activity - perpetrating serious criminal acts, and involvement in the activity of such group. The creation of such group, acts of terror, involvement in them and attempts of acts of terror are serious criminal acts under the Lithuanian law. The supply of weapons to terrorist falls under the definition of conspiracy in a criminal act (see sub-paragraph 1 b above).

The Lithuanian system of import, transit and export control of strategic goods guarantees the implementation of UN Security Council resolutions, and compliance with the criteria of EU Code of Conduct on Arms Exports as well as other provisions of international export control regimes.

Under the Regulations on the Export, Import and Transit of Arms and Ammunition, approved by the Government on 10 April 1998 by its Resolution No. 436, every time a batch of arms and/or ammunition is exported, the enterprise must obtain the permission of the Police Department to export the arms and ammunition. The application for the permission must be accompanied by the contract and the end user's certificate issued by the public institutions in charge of the circulation of arms and ammunition of the importing country. Arms and ammunition included in the lists of controlled strategic goods and technologies are imported, transported in transit or exported in accordance with the Law on the Controls of Import, Transit and Export of Strategic Goods and Technologies of Lithuania, which transposes international agreements and instruments prohibiting the dissemination of weapons of mass destruction and their missile carriers.

A new draft Law on the Control of Arms and Explosives has been drawn up and submitted to the Seimas for consideration; the new draft law is in compliance with the requirements of the respective EU legal acts.

The Draft National Anti-Terrorism Program provides for drawing up by April 2002 a draft law on fight against terrorism (possibly to be referred to as the draft law on the prevention of terrorism), including the definition of terrorism (terrorist activities), the main provisions on the prevention of terrorism, objectives and actions in the fight against terrorism, institutions responsible for this fight and the coordination of actions between them.

The Draft National Anti-Terrorism Program also provides for drawing up by April 2002 amendments to the Criminal Code by clarifying the concepts of a terrorist act (Article 227-3) and terrorism against a person (Article 227-2) as well as establishing criminal responsibility for the creation of a terrorist group, involvement in its activities, financing and other kinds of support to terrorist activities.

Sub-paragraph (b) - What other steps are being taken to prevent the commission of terrorists acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

Consultations at the working level with other countries of the region, as well as international community, provide the basis for early warning mechanisms.

The steps taken to prevent the commission of terrorist acts were described in the part "Executive measures".

Sub-paragraph (c) - What legislation or procedures exist for denying safe haven to terrorists such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken.

Under Article 7 of the Law on the Legal Status of Aliens, an alien is denied entry in the of Lithuania if his or her presence in the of Lithuania would pose a threat to state security, public order, the health or good morality of the population (point 6) also if he or she has committed crimes against humanity or committed genocide (point 8). Under Article 14 (1) (1) of this Law, an alien is denied a residence permit if his residence in the of Lithuania would create a threat to its security, public order, the health and good morality of the population. That could be a sufficient reason under Article 21 (1) (6) to cancel a temporary residence permit issued to an alien. Article 24 (1) (3) provides that the permanent residence permit issued to an alien may be cancelled if his or her residence creates a grave threat to the security of the Lithuanian State, its public order or the health or good morality of its population.

Under Article 4 of the Law on Refugee Status a foreigner is denied refugee status if there is reason to believe that before his or her arrival in Lithuania he or she committed a serious non-political crime or is guilty of actions contrary to the principles and purposes of the United Nations Charter (point 3) or there is reason to believe that he has committed a crime against peace, humanity or a war crime as defined in the international treaties to which Lithuania is a state party (point 4).

Under the 1977 European Convention on Fight against Terrorism, commission of terrorist acts, involvement in terrorist acts, attempts to commit terrorist acts are qualified as grave non-political crimes. Under the Criminal Code of Lithuania conspirators in the criminal act include a perpetrator, an organizer, an abettor and an accessory. Therefore, persons suspected of having committed terrorist acts, of having participated in terrorist acts or attempted to commit such acts as well as persons who have instigated, planned or supported terrorist acts or granted asylum to such persons shall not be granted refugee status by Lithuania.

The laws provide for a possibility of withdrawing refugee status or temporary residence permit issued for humanitarian reasons if it is established that after obtaining asylum the non-national is considered to be posing threat to the security of Lithuania or public order.

Non-nationals who have been refused asylum in Lithuania (including those who have been refused asylum and those refused the temporary residence permit) are deported from the country in accordance with the Law on the Legal Status of Aliens of Lithuania.

While co-operating with other relevant institutions of Lithuania (the State Border Control Service under the Ministry of Interior, the State Security Department), the Migration Department under the authority of the Ministry of Internal Affairs applied the provisions of the legal acts referred to above in order to prevent persons considered dangerous to the security and public order of Lithuania from availing themselves of the right to asylum. In 2001, 6 asylum seekers in respect of whom the State Security Department presented its negative conclusions were denied refugee status and deported from Lithuania.

The draft National Anti-Terrorism Program provides for amending the existing resolutions of the Government and interagency legal acts with the aim of strengthening border control, preventing the movement of terrorists and their groups, counterfeiting, forgery and fraudulent use of documents. Amendments will be drawn to the Law on the Legal Situation of Foreign Nationals and the Law on Refugee Status related to the prevention of terrorism by defining clearer procedures for the establishment and granting of the status of a refugee and the regime for the issue and withdrawal of the residence permits to non-nationals.

The implementation of the Information System for the State Border Guard Service is in its completion phase and the National Schengen Information System is under preparation. This system will ensure a permanent speedy transmission of encrypted information from consular posts on persons requesting visas of Lithuania. A forthwith forwarding of this information to the State Security Department will be ensured.

Under the draft National Anti-Terrorism Program a single and effective system for the registration of foreign nationals present in Lithuania should be introduced. Organisational and legal measures to implement the legal control of foreign nationals are foreseen.

Sub-paragraph (d) - What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken.

According to Article 6 of the Criminal Code of Lithuania nationals and permanent residents of Lithuania are responsible under the Lithuanian law for the crimes committed abroad.

Other persons can be brought to trial under Lithuanian law for crimes committed abroad only if the act is recognized as a crime both by the law of the country where the act was committed and the criminal law of Lithuania.

The implementation of this sub-paragraph is also ensured by provisions of the Criminal Code on the responsibility for the creation of a criminal group with the aim of common criminal activity - perpetrating serious criminal acts, and involvement in the activity of such group.

Sub-paragraph (e) - What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

Crimes under Article 227^3 of the Criminal Code are attributed to the category of serious crimes. Under the criteria provided for in Article 11 of the new Criminal Code a terrorist act is attributed to the very grave crimes.

Planting explosives, bombing or arson under paragraph 1 of Article 227^3 is punishable by imprisonment for up to ten years, whereas the qualified acts having caused injuries or casualties under paragraphs 2 and 3 are punishable by life imprisonment. In the Draft National Anti-Terrorism Program under the consideration of the Seimas a terrorist act is punishable by imprisonment of up to ten years, a terrorist act causing a bodily injury or destruction or damage to a vehicle or a facility or the equipment in the facility is punishable by imprisonment from three to twelve years; a terrorist act creating a threat to the lives or health of a great number of people as well as the spread of biological, radioactive or chemical substances, preparation or micro-organisms will be punishable by imprisonment from five to fifteen years; the same acts directed against an object of strategic significance or causing grave consequences will be punishable by imprisonment from ten to twenty years or imprisonment for life.

Sub-paragraph (f) - What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

The international agreements, both bilateral signed with the neighbouring and other countries and multilateral, setting the framework of legal co-operation, extradition and other matters may also be used for the purposes of UN Security Council Resolution 1373, i.e. they can be applied in the fight with terrorism. These agreements stipulate the obligation of the Contracting Parties to render each other assistance related to the ongoing criminal investigations of terrorist acts. The agreements contain definitions of certain activities and commit the states to establish criminal responsibility for them, make them punishable or to extradite the suspected perpetrators. It is noteworthy that the majority of such agreements provide that all such cases are subject to the legislation on mutual legal assistance in criminal proceedings of the requested state. The provisions of such agreements provide a legal basis for rendering assistance to criminal investigations of terrorism conducted by other states.

Sub-paragraph (g) - How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

The protection of the state borders has been enhanced by focusing special attention on the control of persons coming from the third countries.

The security of the Foreigners' Registration Centre in Pabradė has been strengthened including the control of persons and the undercover work at the Centre with the aim of establishing the connection of the inmates to terrorist groups and preventing possible provocative and terrorist attacks.

The implementation of the information system for state border control has been completed and is already in use. Great attention is given to the control of documents, including the acquisition of new technologies for identification purposes and training courses for the staff.

The State Border Guard Service under the authority of the Ministry of Interior co-operates actively with the counterpart law enforcement institutions of the neighboring countries, participates in long-term and short-term international projects intended to control the processes of illegal migration.

Operative Paragraph 3

Sub-paragraph (a) - What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Working contacts between the State Security Departments of Lithuania and Poland, Estonia, Latvia, Russia, Ukraine, Belarus have been established.

Antiterrorist intelligence and international co-operation to combat terrorism is being enhanced. Lithuanian authorities are ready to share intelligence with partner countries.

Draft National Anti-Terrorism Programme provides for exchanging undercover and other information on international terrorist organisations, their members and activities, including the exchange of classified information with the special and intelligence services of other countries. The special authorities should also exchange information concerning the links of the mentioned persons and organizations with extremist political organisations or criminal associations.

Sub-paragraph (b) - What steps have been taken to exchange information and cooperate in the areas indicated in this sub-paragraph?

Lithuania is taking an active part in the activities of Interpol. Plans for the near future include the expansion of the network of liaison officers, signing a co-operation agreement with Europol, strengthening bilateral relations by signing agreement on co-operation in fighting organized crime, illegal drug trafficking, terrorism and other grave crimes (in 2000 an agreement of this kind was signed with Poland, this year – with the German Federation, next year a similar agreement will be signed with the Czech Republic.)

Sub-paragraph (c) - What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Lithuania is signatory to 8 of the 12 universal Conventions related to counter-terrorist activities and has ratified 7. Lithuania is party to the following major conventions for combating terrorism:

- 1979 International Convention against the Taking of Hostages.
- 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft.
- 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.
- 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.
- 1970 Convention for the Suppression of Unlawful Seizure of Aircraft.
- 1979 Vienna Convention on the Physical Protection of Nuclear Material.

- 1997 International Convention for the Suppression of Terrorist Bombing, Lithuania signed on 08 06 1998.
- 1977 m. European Convention for the Suppression of Terrorism.

Sub-paragraph (d) - What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

At present, Lithuania has not yet acceded to four UN Conventions for combating terrorism. The Draft National Program against Terrorism provides for accession and ratification of these four UN Conventions:

- 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents;
- 1999 International Convention for the Suppression of the Financing of Terrorism;
- 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation;
- 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

The Ministry of Justice will initiate Lithuania's accession to the 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents. In co-operation with the Ministry of Finance it will also initiate the accession to the 1999 International Convention for the Suppression of the Financing of Terrorism. The Ministry of Justice has commissioned the translation of the above mentioned conventions to the Translation, Documentation and Information Centre.

The Ministry of Communications will initiate Lithuania's accession to the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

The Ministry of Economy will initiate Lithuania's accession to the 1988 Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf.

Sub-paragraph (e) - Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph.

Lithuania has fully implemented the international Conventions against terrorism to which it is a Party, and has followed the UN Security Council Resolutions concerning the anti-terrorism measures.

Sub-paragraph (f) - What legislation procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status. Please supply examples of any relevant cases.

Asylum may be granted in Lithuania for humanitarian reasons of Article 19.3 of the Law on the Legal Status of Aliens. However, under point 1 Article 14.1 a residence permit may not be issued to an alien whose residence in the country would pose a threat to the state security, public order, health or good morality of the population. In accordance with the requirements of the Law, the Migration Department under the authority of the Ministry of Internal Affairs sends the appropriate enquiries to the State Security Department, the National Bureau of Interpol and other competent law enforcement institutions. Residence permits are not issued to persons in respect of who the institutions referred to above issue a negative conclusion.

Sub-paragraph (g) – What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

Article 10.5 of the Law on Refugee Status provides that an alien whose request for refugee status is obviously unwarranted shall not be allowed to enter or to stay on the territory of Lithuania. Under Article 2.7 an obviously unwarranted request for refugee status is a request intended to abuse the procedures of granting asylum. This provision is a guarantee preventing any non-national from abusing the procedures of granting asylum. This provision has been applied by the Migration Department under authority of Ministry of Interior since September 1, 2000, the date on which the Law on Refugee Status came into effect. During that period 8 asylum seekers have been denied entry or they have not been allowed to stay on the territory of Lithuania.

GOVERNMENT OF THE REPUBLIC OF LITHUANIA
RESOLUTION
ON MEASURES FOR THE IMPLEMENTATION OF RESOLUTIONS OF THE UNITED NATIONS SECURITY COUNCIL

No 1281
31 October 2001
Vilnius

Acting pursuant to resolutions of the UN Security Council - resolution 1333 (2000) of 19 December 2000 and resolution 1373 (2001) of 28 September 2001, obligatory for all UN Member States in accordance with Article 25 of the Charter of the United Nations, the Government of the Republic of Lithuania has resolved:

1. To undertake measures to prevent supply or any transfer of weapons and ammunition, military equipment, vehicles and spare parts to the territory of Afghanistan under Taliban control by the nationals of the Republic of Lithuania and from the territory of Lithuania or using aircraft registered in the Republic of Lithuania.

2. To prohibit public authorities to provide direct or indirect technical assistance and training for the possible military or security use related to the Taliban military activities into the territory of Afghanistan under Taliban control and to undertake measures that persons and entities and non-governmental organisations do not provide direct or indirect technical assistance and training for the possible military or security use related to the Taliban military activities into the territory of Afghanistan under Taliban control.

3. To determine that provisions of paragraphs 1 and 2 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance or training if approved by the Committee of the UN Security Council (hereafter referred to as the Committee) established pursuant to resolution 1267 (1999) of 15 October 1999, and measures imposed by paragraph 1 above do not apply to protective clothing, including flack jackets and military helmets, exported to Afghanistan for the United Nations personnel, representatives of the media and humanitarian aid and development programme workers for their personal use only.

4. To undertake measures in order to prohibit the disposal of funds and other financial assets of Usama bin Laden and individuals and entities associated with him including the Al-Qaida organisation, and including funds derived or generated from the property owned or controlled directly or indirectly by Usama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available by the nationals of the Republic of Lithuania or by any persons or entities within the territory of the Republic of Lithuania, directly or indirectly, for the benefit of Usama bin Laden, his associates or any other persons or entities owned or controlled, directly or indirectly, by Usama bin Laden or individuals and entities associated with him including the Al-Qaida organisation.

5. To undertake measures to prevent the supply or any transfer of precursors to persons in the territory of Afghanistan under Taliban control, or to any person for the purpose of any activity carried on or operated from the territory under Taliban control.

6. To authorise the Ministry of Foreign Affairs, the Ministry of National Defence and the Ministry of Transport and Communications to deny any aircraft permission to take off from, land in or over-fly the territory of the Republic of Lithuania provided it has taken off from, or is destined to land at a place in the territory of Afghanistan under Taliban control, unless the particular flight has been approved in advance by the Committee. To determine that the measures imposed by this paragraph shall not apply to flights operated by the United Nations, humanitarian and other organisations from the list compiled by the Committee. The Ministry of Foreign Affairs shall submit the list of such organisations to responsible institutions.

7. To prohibit the entry into the territory of the Republic of Lithuania or transit through it of all senior officials of the rank of Deputy Minister or higher in the Taliban, the equivalent rank of armed personnel under the control of the Taliban, and other senior advisers and officials unless those officials are travelling for humanitarian purposes, to perform religious obligations or their travel promotes discussion of a peaceful solution of the conflict in Afghanistan.

8. To prevent the establishment in the territory of the Republic of Lithuania Taliban offices and Ariana Afghan Airlines.

9. To afford other states the greatest measure of assistance in connection with criminal investigations or persecution relating to the financing and support of the terrorist acts, including assistance in obtaining evidence if possessed by the Republic of Lithuania related to persecution.

10. To strengthen border controls and controls on issuance of identity papers and travel documents in order to prevent the movement of terrorists and terrorist groups, and to prevent forgery or fraudulent use of documents.

11. To intensify and accelerate the exchange of information among the states regarding terrorist activities, terrorist organisations, forged or falsified documents, traffic in arms, explosives or sensitive materials, use of communication technologies and weapons of mass destruction possessed by terrorists.

12. To authorise ministries and governmental agencies to recommend organisational, technical and legal measures to the State Security Department of the Republic of Lithuania to be included into the Programme against terrorism.

13. To direct ministries and governmental agencies to take all necessary measures in order to enforce this Resolution and to notify the Ministry of Foreign Affairs of its implementation thereof.

14. To direct the Ministry of Foreign Affairs to provide relevant information to appropriate UN institutions regarding the implementation of resolutions of the UN Security Council – resolution 1333 (2000) of 19 December 2000 and resolution 1373 (2001) of 28 September 2001.

Prime Minister — Algirdas Brazauskas

Minister of Foreign Affairs — Antanas Valionis

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Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Georgia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-22686 (E) 280302

Annex

Letter dated 26 December 2001 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit herewith a report of the Government of Georgia to the Counter-Terrorism Committee, compiled pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Dr. Peter **Chkheidze**
Permanent Representative

Enclosure

Report by Georgia to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

Georgia stands fully committed to cooperate with the civilized world, the United Nations, its Member States and with the Security Council Counter-terrorism Committee to combat international terrorism. Georgia fully supports global and regional efforts to implement Security Council resolution 1373 and to enhance international security and peace.

Terrorism as a national as well as international global problem is not a strange misfortune to Georgia. This became especially evident from the terrorist acts carried out against the President of Georgia in 1995 and 1998. Besides, the aggressive separatism-driven criminal situation in the Autonomous Republic of Abkhazia and Samachablo (former Autonomous District of South Ossetia) - the territories currently uncontrolled by the central government of Georgia - is of particular concern to us as it directly breeds terrorism. Georgia hopes that the international community will pay due attention to the resolution of these conflicts. This, in turn, will contribute significantly to the success of counter-terrorist efforts.

The counter-terrorism legislative mechanism in Georgia is provided under the Criminal Code of Georgia (Chapter 38, seem Annex 2). It should also be mentioned that the Law on Combating Terrorism is being currently drafted and going through the procedures prescribed under the legislation of Georgia.

Committed to cooperate with the international community in combating terrorism, Georgia is guided by the provisions of multi-lateral international agreements and commitments both on a universal and regional level (the United Nations, the OSCE, the European Council, the CIS) and bilateral agreements with different states of the world community (see Annex 2).

Georgia actively cooperates with the newly created group (GMT) established within the European Council. The aim of this group is to further fine-tune the international law instruments currently available in Europe and design and submit to the Committee of Ministers of the organization specific proposals on the improvement of the quality and effectiveness of participation of this organization in counter-terrorism efforts. It is noteworthy that the Georgian representative has been elected member of the group, which, on the one hand, puts on us an increased responsibility for the work of the group and, on the other hand, enables us to share on our experience and views.

It should also be mentioned that efforts have been made to bring the Georgian legislation in line with the international standards. As a precondition to the above, Georgia has sped up the national procedures to accede to the universal and regional conventions, which are aimed at preventing terrorism. Besides, works are underway to draft new counter-terrorism agreements in order to improve the current contractual-legal framework of Georgia and enhance concerted international efforts against crime.

Georgia has acceded to 5 out of 11 UN conventions against terrorism and is now working to modify its national laws to accede to the remaining 6 (1979 New-York Convention against the Taking of Hostages, 1980 Vienna Convention on Physical Protection of Nuclear Materials, 1988 Rome Convention on the Suppression of Unlawful Acts against Maritime Safety, 1988 Protocol on the Suppression of Unlawful Acts against Platforms Stationed on Continental Shelf). Georgia has signed the UN Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Suppression of Transnational Organized Crime and its additional protocols. Works are currently underway to carry out necessary procedures for their enforcement.

On June 3, 2000 Georgia signed the 9 December 1999 New-York Convention for the Suppression of the Financing of Terrorism and in December 2000 - the UN Convention for the Suppression of Transnational Organized Crime. The convention will be ratified in the nearest future.

As already mentioned above, Georgia acceded to series of conventions within the frame of the European Council.

Efforts are currently being made to accede to the following conventions:

The European Convention on Transfer of Proceedings on Criminal Matters;

The European Convention on Mutual Assistance in Criminal Matters;

The Supplementary Protocol to the European Convention on Mutual Assistance in Criminal Matters;

Supplementary Protocol II to the European Convention on Mutual Assistance in Criminal Matters;

The European Convention on Detection, Recovery and Convention of the Proceeds of Money Laundering and Criminal Activity.

Comments in relation to questions posed by the Counter-Terrorism Committee:

Operative Paragraph 1

Sub-paragraph (a)

We'd like to mention that Georgia responded to the appalling terrorist acts carried out against the United States of America on September 11, 2001. On November 28, 2001 the President of Georgia signed the Decree on Certain Arrangements to Promote International Anti-terrorist Efforts regarding Georgia's participation in the international military operation.

With the aim to consolidate the counter-terrorism efforts of the international community in response to the September 11 terrorist acts on the United States of America, to implement United Nations Security Council resolution 1373, and to effectuate the Unified National Program of Georgia for Combating International Terrorism, Georgia has set up within the National Security Council the Ad Hoc Interdepartmental Counter-terrorism Commission. The Commission comprises:

- Assistant Secretary of the National Security Council of Georgia - Chairman of the Commission;
- Deputy Minister of State Security of Georgia - Deputy Chairman of the Commission;
- First Deputy Minister of Internal Affairs of Georgia;
- Deputy Minister of Defense of Georgia;
- Deputy Chief of the Special State Protection Service of Georgia;
- Assistant General Prosecutor of Georgia;
- Deputy Chairman of the State Department for State Border Guard of Georgia;
- Deputy Chairman of the State Department for Intelligence of Georgia;
- First Deputy Minister of Foreign Affairs of Georgia;
- First Deputy Minister of Labour, Health and Social Affairs of Georgia;
- Deputy Minister of Transport and Communications of Georgia;
- Deputy Minister of Justice of Georgia;
- Deputy Minister of Finance of Georgia;
- Chairman of the Counter-terrorism Center of the Ministry of National Security of Georgia;
- Vice-president of the National Bank of Georgia;
- Head of Service for Security Affairs of the National Security Council of Georgia.

The National Security Council will hear bi-annual reports on the specific efforts made to implement United Nations Security Council resolution 1373, and to effectuate the Unified National Program of Georgia for Combating International Terrorism.

One of the primary functions of the Ministry of State Security of Georgia is to detect, stave off and prevent terrorist acts or attempted terrorist acts, identify persons suspected of involvement into terrorism, and implement specific measures under the applicable legislation of Georgia and international agreements.

The State Department for Intelligence of Georgia carries out counter-terrorism activity within the scope of its competence. As a result of its operational efforts, the Department has identified and taken under control persons suspected of involvement into terrorist activity as well as those supporting their activity. The Department has identified and is now controlling the financial condition of the latter.

The State Department for Intelligence of Georgia and partner special services regularly exchange relevant information between each other.

Sub-paragraph (b)

The Criminal Code of Georgia sets out a special chapter to the crime of terrorism, namely "Chapter 38. Terrorism". The chapter comprises nine articles, each setting forth terrorist crimes and prescribing specific punishments for each of them:

Crime under Article 323 (Terrorist Act) - punishable respectively by prison sentences ranging from 5 to 10, from 8 to 15, from 10 to 17, from 15 to 20 years in length or by life imprisonment;

Crime under Article 324 (Technological Terrorism) - punishable by prison sentences ranging from 8 to 15 years in length;

Crime under Article 325 (Assault on Political Official of Georgia) - punishable respectively by prison sentences ranging from 7 to 20 years in length or by life imprisonment;

Crime under Article 326 (Assault on Person or Institution Enjoying International Protection) - punishable respectively by prison sentences ranging from 7 to 20 years in length or by life imprisonment;

Crime under Article 327 (Formation of Terrorist Organization or Leading Thereof or Participation Therein) - punishable respectively by prison sentences ranging from 7 to 15 or from 5 to 10 years in length;

Crime under Article 328 (Accession and Assistance to Terrorist Organization of Foreign State or to Such Organization Controlled by Foreign State) - punishable by prison sentences ranging from 7 to 15 years in length;

Crime under Article 329 (Seizure of Hostage for Terrorist Purposes) - punishable respectively by prison sentences ranging from 7 to 13, from 8 to 15, or from 12 to 20 years in length;

Crime under Article 330 (Taking Possession of or Blocking Object of Strategic or Special Importance for Terrorist Purposes) - punishable respectively by imprisonment from 12 to 20 years in length or by life imprisonment;

Crime under Article 331 (False Notification on Terrorism) - punishable respectively by fine or by corrective labor from one to two years in length or up to three months or in imprisonment but not more than three years.

Sub-paragraph (c)

The national criminal procedural law of Georgia provides in for effective measures to freezing accounts and assets in banks and financial institutions, including but not limited to laying attachment (seizure) on bank accounts. Attachment on assets (bank accounts) is laid/used as a security against criminal coercive measure and in the cases where such assets have been obtained through illegal means. The procedure for attachment of assets (bank accounts) is set forth in detail under Articles 190-201 of the Criminal Code of Georgia. Attachment on assets (bank accounts) is laid only by a court order on the filed criminal action. Such order is issued by motion to that effect of the inquirer, investigator, or prosecutor. Deposit transactions are discontinued upon attachment of monetary deposits, resulting in the freezing of accounts.

The Ministry of Finance of Georgia possesses the list of organizations and individuals suspected of terrorism. It should also be mentioned the Minister of Finance has issued a special order banning any cooperation with organizations or individuals related to terrorist activity. In particular, permits for charity or grant activities are

withheld from such organizations and individuals. Besides, we take steps to make sure that such organizations and individuals do not take part in the implementation of any international project.

As mentioned in the previous sub-paragraphs, terrorist act is a crime. It is a crime at the state of attempt and preparation (Article 18-19). Furthermore, complicity to crime (including to the crime of terrorism) is punishable under the criminal law (Chapter XXIII of the Criminal Code) of Georgia. Thus, aiding and abetting, regardless of the ways of its manifestation, including through financial assets and economic means, are prohibited and punishable by law in Georgia.

Pursuant to "the 2000-2003 Inter-state Plan on Combating Crime and the Program on Combating International Terrorism and Extremism by 2003 of the Council of the Ministries of Internal Affairs of the Member-states of the Commonwealth of Independent States", Georgia has considered the opportunities for implementation of agreed operational-search and prophylactic measures in 2001-2002 in order to identify and bring to justice the persons who participated in terrorist or other extremist organizations or groups, or in illicit circulation of arms, ammunition, explosives, drugs, and false currency.

Operative Paragraph 2

Sub-paragraph (a)

The existence of an adequate legal base may go a long way towards the success of counter-terrorism efforts. The Criminal Code of Georgia sets out a special chapter for the crime of terrorism, prescribing criminal liability for various forms of terrorist acts. Under the Criminal Code of Georgia, terrorism falls within the category of especially grave crimes and is subject to severest of punishments.

The Criminal Code of Georgia prescribes liability not only for the terrorist act as a crime in general, which manifests the threat to human life, damage to property or any other grave consequence, but also differentiates terrorism according to means, facilities, consequences, and crime organization, and establishes respective punishments. For instance, technological terrorism, i.e. the use of, or threatening to use a nuclear, radiological, chemical or bacteriological (biological) arms or a component thereof, a pathogenic micro-organism, radioactive or any other substance hazardous for human health; assault on a political official of Georgia; assault on an internationally protected person or institution; taking possession of or blocking an object of strategic or special importance for terrorist purposes, etc.

The Criminal Code of Georgia places attention on the issues related to participation in organized terrorist groups. The crime breaks down to such components as formation of or leading a terrorist organization, participation in a terrorist organization, accession and assistance to a terrorist organization of a foreign state or to such organization controlled by a foreign state. The Criminal Code prescribes specific severe punishments to each of these organized crimes.

Regarding the legal gaps in terms of supplying arms to terrorist groups, we'd like to mention that the Criminal Code of Georgia deals with the arms-related issues in a general manner.

Punishable are the illegal purchase, keeping, carrying, making, shipment and delivery of arms. In addition, punishment is prescribed for such arms-related actions that may be directed to carry out terrorist acts. For example, preparation of nuclear arms, illegal export of the technology, scientific-technical information or services used in the creation of the arms of mass destruction, illegally taking possession or extortion of arms for misappropriation purposes; neglectful keeping of arms, preparation, purchase, and sale of the arms of mass destruction, etc.

After the brief legal discourse given above, we can say that the current Georgian legislation contains the relevant legal base to combat terrorism.

Sub-paragraph (b)

Georgia and special services of partner states regularly exchange relevant information between each other to prevent terrorist acts.

Sub-paragraph (c)

The European Convention on Combating Terrorism regulates the issues related to extradition of terrorists. Consequently, having acceded to the Convention, Georgia committed itself to deny asylum to terrorists and invokes the provisions of the said Convention in prosecuting them. It is also worth mentioning that Georgia in bound by the European Convention on Extradition which sets forth in more detail the extradition principles and is deemed to be one of the most successful regional agreements to which membership is not limited to the member states of the European Council only.

Subject to Paragraph 2 of Article 6 of the Law of Georgia on Legal Status of Foreigners, *"it is not allowed to grant citizenship to foreigners whose beliefs and activity may counter to the objectives and principles of the United National Organization and state interests of Georgia"*. Paragraph 3 of the same articles holds that: *"The decision on granting asylum is passed by the President of Georgia"*. Paragraph 3 of Article 23 of the law provides: *"Entry to the Republic of Georgia may be prohibited to a foreign citizen or a stateless person:*

a) if he (she) committed a crime against peace and humanity;

b) if he (she) committed a grave crime for the last five years;

c) in the interests of state security or public order protection;

d) if this is necessary for protection of rights and legitimate interests of the citizens of the Republic of Georgia and other persons;

e) if he (she) is exposed to an action aimed against the Republic of Georgia;

f) in the interests of public health protection;

g) if during the previous stay in the Republic of Georgia he (she) violated the requirements of the present and other laws of the Republic of Georgia;

h) if he (she) gave false information about himself (herself) when applying for an entry into the Republic of Georgia;

i) *in other cases established by the legislation of the Republic of Georgia."*

Subject to Paragraph 3 of Article 24 of the said law: *"a foreign citizen may be prohibited to leave the Republic of Georgia:*

a) if his (her) departure runs counter to. the interests of state security till the cessation of these circumstances;

b) if he (she) is suspected or accused of committing a crime till the termination of proceedings;

c) if he (she) is convicted of committing a crime till the termination of serving the sentence or canceling the sentence;

d) in other cases envisaged by the legislation of the Republic of Georgia."

Paragraph 1 of Article 29 of the law provides the conditions under which a person may be deported from the territory of Georgia: *"foreign citizens, as well as stateless persons staying on the territory of Georgia may be deported from the Republic of Georgia:*

a) if there are no reasons for their further staying in the Republic of Georgia;

b) if they illegally entered the country and stay on the territory of the Republic of Georgia;

c) if their staying in the Republic of Georgia runs counter to the interests of state security and public order protection;

d) if this is required for protection of public health and of rights and legitimate interests of citizens of Georgia and other persons living in the Republic of Georgia;

e) if he (she) deliberately and routinely violates the existing legislation of the Republic of Georgia;

f) in other cases envisaged by the legislation of the Republic of Georgia.

Under the same article, Decree of the President of Georgia of March 28, 2000 approved the Regulation for Deportation of Foreign Citizens from Georgia.

Sub-paragraph (d)

The remedies for protection of foreign citizens from terrorist acts on the territory of Georgia are provided under Article 326 of the Criminal Code of Georgia. Moreover, Georgia regulates the area in compliance with the provisions of a number of international agreements. Furthermore, it should be noted that domestic procedures has been initiated for Georgia to accede to the December 14, 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons.

The terrorist acts of September 11 have further stressed the need for the Special State Protection Service of Georgia to strengthen the safety of protected persons and objects and detect and stave off possible terrorist or sabotage acts against them at an embryo stage. The following specific efforts have been made to this end:

Increased security measures have been taken in relation to the President of Georgia and other protected persons. Operational control has been tightened particularly toward the persons and groups of persons who issue, in an overt or tacit manner, different types of threats against the President and other government officials of Georgia.

With the aim to timely detect and prevent any acts of terrorism or sabotage against the strategically important objects across the territory of Georgia which are protected by the Special State Protection Service of Georgia, the special contingent within the operational sub-unit has been put on maximum alert and has intensified its meetings with the operational security officers.

In an effort to avert and prevent illegal actions against the diplomatic representations accredited in Georgia, physical protection of the relevant objects and adjoining areas has been increased. Besides, operational control has been bolstered to protect the diplomatic officials of the countries that openly supported the counter-terrorist campaign launched by the United States. Apart from that, information is exchanged on a regular and continued basis between the Special State Protection Service of Georgia and the Security Service of the US Embassy to Georgia to effectively perform counter-terrorist measures.

Sub-paragraph (e)

Terrorism cropped up in Georgia in the nineties of the last century. The situation in this respect had not been so critical before in our country. Consequently, the legal framework had been weak and rather general. The previous Criminal Code that was effective in Georgia before June 1, 2000 set apart the terrorist act under one article (Article 67) and the terrorist act against the representative of a foreign state - under the other (Article 68). Other crimes containing the elements of terrorism were scattered about in different chapters of the Code (for example, hostage-taking) and lacked the implications that the crime has now.

In response to the attempted terrorist act on the President of Georgia on February 9, 1998 the Parliament passed the Law on Intensification of Fight against Terrorism on February 20 the same year. The new law significantly heightened liability for terrorist acts.

On June 1, 2000 Georgia enacted the new Criminal Code, which set terrorism apart in a specific nine-article chapter, a clear signal of substantial positive legislative modifications in terms of increased counter-terrorism efforts. As a result, the law-enforcement authorities had an effective legal base to fight this worldwide menace.

For the last few years Georgian courts have adjudicated on several high profile, public cases on terrorist acts. In particular, on April 20, 1994 a deliberate terrorist act claimed the life of General Gia Gulua, the Deputy Minister of Internal Affairs of Georgia. On December 3 the same year a terrorist act was carried out against Gia Chanturia, the Chairman of the National-Democratic Part of Georgia. The terrorist act claimed the live of the victim. The terrorist act on June 20, 1995 claimed the life of Soliko Khabeishvili, the Vice-president of the E. Shevardnadze Foundation "Revival and Democracy". On August 29 the same year the terrorist act was attempted against Head of State of Georgia Eduard Shevardnadze.

For the above-mentioned crimes the Supreme Court of Georgia, seated on November 10, 1998, sentenced defendant Temur Khachishvili to 15 years in prison, Giorgi Gelashvili - 14 years in prison, Gocha Gelashvili - to 14 years in prison, Gocha Tediashvili - to 15 years in prison, etc. It should be noted that the Criminal Code of Georgia applicable at the moment of committing the above crimes prescribed 15 years of imprisonment as maximum extent of punishment.

On February 9, 1998 another terrorist act was carried out to assassinate President of Georgia Eduard Shevardnadze, which claimed the lives of the president's bodyguards. On August 17, 2001 the Supreme Court of Georgia sentenced for the above crime defendant Zurab Ejibaia to twenty years of imprisonment, a maximum time-limited term of punishment under the current Criminal Code of Georgia. In this case, we must take into account that no life imprisonment is awarded for attempted crimes. Bondo Todua and Nugzar Chukhua whom the Suppertime Court found guilty of the same crime were sentenced to 19 years in prison each. Geronti Kobalia - to 14 years in prison, etc.

Sub-paragraph (f)

Georgia is bound by such international agreements as the European Convention on Mutual Assistance in Criminal Matters, the Convention of the European Council on Extradition, the European Convention on the Extradition of Convicts, the Convention of the European Council on the Suppression of Terrorism. In addition, Georgia has acceded to the UN Convention on Offenses and Certain Other Acts Committed Onboard Aircraft, the Convention on the Suppression of Unlawful Hijacking of Aircraft, the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation, the Convention on Marking of Plastic Explosives for the Purpose of Identification. Georgia has further acceded to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation appended to the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation.

Besides, Georgia has signed the UN Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Suppression of Transnational Organized Crime as well as the Charter of the International Criminal Court. Further, Georgia intends to sign the European Convention on Detection, Recovery and Convention of the Proceeds of Money Laundering and Criminal Activity. The ratification of these international instruments must take place in the nearest future.

Subject to the Law of Georgia on the International Agreements of Georgia, the international agreements to which Georgia is a party are an integral part of the Georgian legislation. Besides, under the same law, the Law of Georgia on Normative Acts and the Constitution of Georgia, the international agreement to which Georgia is a party prevails over other laws to the extent it does not contravene the Constitution of Georgia.

It should also be added that where there is no international agreement with any specific country over cooperation on criminal matters, or where such agreements do not provide any specific procedural rule, Georgia regulates such relations under Chapter 32 of the Criminal Procedure Code of Georgia (Mutual Action of the Judge, the Prosecutor, the Investigator to Render Legal Assistance to the Relevant Bodies and Officials of Foreign States).

Proceeding from the provisions of the Criminal Procedure Code of Georgia and the international agreements to which Georgia is a party, assistance over criminal matters to different countries of the world is rendered through the General Prosecutor's Office of Georgia where the Department for International Relations operates for this particular purpose.

The Department for International Relations acts in compliance with the provisions of the international agreements to which Georgia is a party, including under the 1993 Convention on Legal Assistance and Legal Relations on Civil, Family and Criminal Matters in dealing with the member states of the Commonwealth of Independent States under the European Convention on Legal Assistance on Criminal Matters in dealing with the countries other than the CIS member states. Besides, by a specific agreement other international agreements may apply, where necessary, to govern specific relations.

Sub-paragraph (g)

Regarding the efforts of the Customs Control to prevent the movement of terrorists, we must mention that the Central Government of Georgia is deeply concerned with and finds its increasingly difficult to regulate the total chaos and lawlesness in the uncontrolled territories of in the Autonomous Republic of Abkhazia and Samachablo (former Autonomous District of South Ossetia). Induced by the failed efforts to exercise customs control on the territories, the terrorist groups and arms and drug dealers freely roam about.

As for the procedures to issues identification documents in order to assert control over the movement of terrorists and prevent falsification of such documents, we'd like to mention that the ID of a citizen of Georgia is issued by the Passport-Visa and Population Registration Department of the Ministry of Foreign Affairs according to the citizen's place of residence. However, the current mechanism to protect the IDs and the Passports from falsification is inadequate and requires urgent readjustments. For this purpose, the Ministry of Foreign Affairs has invited bids for drafting the mechanism to protect the ID and the Passports from falsification.

In an attempt to ensure safety in aviation carriage, increased security measures have been taken to protect cargo, baggage, mail, onboard supply and the operator's supply carried by aircraft and to put cargo and mail under control.

In response to the 11 September events, the body charged with responsibility of safety for all the airports and commercial agencies has strengthened both with organizational and practical measures under the civil aviation standards in consideration of the specifics of the dangerous situation. In particular, the said body:

- Revised and re-studied the program of the aviation safety operational procedures of consignors;
- Introduced strict supervision on the tags for identification of the registered cargo and baggage as well as handbags;
- Focused on the overlap of the number of boarding tickets and passengers of the aircraft;
- Tightened control over the registered cargo, baggage and over the allowing of individuals to get thereto in order to prevent any placement, for the purpose of sabotage, of any equipment into them. The control envisages security measures from keeping and registration to moving to the aircraft of the baggage (including in the area of baggage classification).

To ensure the effectiveness of the checking operations, the airports and agencies employ two main inspection methods:

- Hand-checking with the use of a portable metal finder;
- Comprehensive inspection with the use of fixed equipment.

Civil aviation specialists are currently working to plan other additional security measures as well.

Operative Paragraph 3

Sub-paragraph (a)

Partner states are regularly updated on the actions, movements of and arms trafficking as well as on the communication facilities and technologies possessed by terrorists and terrorist groups.

Sub-paragraph (b)

The Ministry of Justice of Georgia received through the Ministry of Foreign Affairs the questionnaire furnished by the United States of America regarding counter-terrorism efforts and the current situation in Georgia in terms of international cooperation. In this respect, the Ministry of Justice made the following response to the issues within its competence.

Sub-paragraph (c)

In an effort to preserve stability and prevent any possible terrorist act in Georgia, the Ministry of Defense of Georgia was put under a special regime of work by order of the Minister of Defense of Georgia. In particular, the

Ministry of Defense introduced 24-hour on-duty unit of officers and civilians in military units. Adequate measures were taken to improve rapid response capabilities of officers and privates. The decision was made to pay increased attention on counter-terrorist actions during military trainings. The special rapid-response unit was additionally instructed on maintaining an increased state of alert. Efforts are being made to enhance cooperation with the military experts of foreign diplomatic representations in Georgia to facilitate exchange of information in the area.

In response to the recommendation given by a group of foreign experts, the Ministry of Defense has launched efforts to modernize special armed units in line with western standards. In this respect, close contacts are maintained with the defense establishments of the United States and the Republic of Turkey.

Sub-paragraph (d)

For the Government of Georgia terrorism is not a domestic problem only. The problem involves an increased public threat not only for specific countries individually but also for the international community on the whole. Terrorism does not know borders. From this context, Georgia is committed to timely accede to the international agreements on the suppression of terrorism and cooperation with other countries to provide them with necessary assistance in the area at the same time improve the effectiveness of its domestic anti-terrorism efforts.

Sub-paragraph (f)

This sphere is regulated by the 1951 Geneva Convention on the Status of Refugees and the Law of Georgia on Refugees (February 18, 1998). The body responsible for the implementation of these instruments is the Ministry of Refugees and Accommodation of Georgia.

Within this context it should be emphasized that the Government of Georgia and other competent international bodies resolve each and every specific issue by the supremacy-of-law principle in strict compliance with all the legal procedures, at the same time making all efforts not to violate, on the motive of combating terrorism, the rights of refugees to which Georgia has committed itself under the international agreements.

Subject to the norms of the international law, the applicable national legislation and international standards, before the status of a refugee is accorded to a person, information is obtained on such person to make sure that he/she has not participated in or has not promoted any terrorist activity.

Sub-paragraph (g)

As for the efforts of the competent Georgian authorities in general and the Ministry of State Security of Georgia in particular, to prevent infiltration of terrorists to Georgia under the guise of the status of a refugee or a forcibly displaced person, they are regulated by the legal instruments (other than those indicated in Sub-paragraph (f)) provided under the Law of Georgia on Legal Status of Foreign Citizens (June 3, 1993) and the basis for deportation of persons suspected of such activity is provided by Decree N 111, March 28, 2000 on Temporary Regulation for Deportation of Foreign Citizens from Georgia.

Moreover, Georgia is bound to implement the agreements within frames of the CIS, namely the Minks Convention on Mutual Assistance on Criminal, Civil and Family Matters, and the Agreement (signed on May 31, 1995) on Cooperation for Combating Organized Crime and other protocols signed in relation to it. These agreements enable the competent Georgian authorities to closely cooperate in combating both terrorism and other crimes of international nature.

Examples of relevant actions taken by State:

Given below are some of the examples illustrating the specific actions taken by the Ministry of State Security of Georgia:

- 263 foreign citizens have been deported from Georgia since 1998.
- May 1999 - the group attempt to stage a coup d'etat through liquidation of the President of Georgia and overthrow of the constitutional structure of Georgia with the use of armed forces. The group was organized and financially supported by I. Giorgadze, who had been wanted by the Ministry of Internal Affairs.

The attempted coup failed as a result of counter measures.

- In June 2001 the Georgian border guard arrested in Mestia Region 13 persons for unlawful crossing of the border. On October 6, 2001 the arrestees were deported to Russia (the Mink Convention on Mutual Assistance on Criminal, Civil and Family Matters).
- The information was obtained on a citizen of a neighboring country that he had smuggled a detonator of explosive. As a result of adequate actions, the person was detained by the Counter-terrorism Center of the Ministry of Security of Georgia and later on extradited to the relevant country where a criminal case was filed against him.
- The Ministry of State Security obtained information on a person having the ID of a European country who was staying in Georgia in violation of the Visa regulations and cooperating with the group that was suspected of involvement in terrorist activity. As a result of counter measures the person was apprehended and brought in the Counter-terrorism Center of the Ministry of Security of Georgia. Later on the person was extradited after the relevant foreign special services had been notified about the above.
- Acting in response to the operative information on November 19, 1999 the group of citizens of Georgia were arrested for the attempted sale of the radioactive substance "Cesium 137". 2 containers of the radioactive substance were recovered and the suspects were brought before justice.
- Approximately 3,7 kg uranium was recovered as a result of the actions carried out in February 1998, September 2000 and July 2001. The criminal proceedings were instituted on all the three facts.
- On May 2000 a citizen of Georgia was arrested for an attempted sale of the radioactive substance "plutonium". The discs containing plutonium were recovered.
- On December 17, 2001 the citizen of the neighboring country was arrested as he was smuggling to Georgia the radioactive substance "uranium" for sale. The criminal case was foiled on the matter.
- The Counter-terrorist Center of the Ministry of Security of Georgia obtained information on the foreign citizen who intended to seize hostage of a foreign diplomat to Georgia to take vengeance. The adequate counter actions were taken to prevent the crime.

The examples cited above well illustrate that Georgia actively cooperates with different foreign special services through exchange of information and specific measures as well.

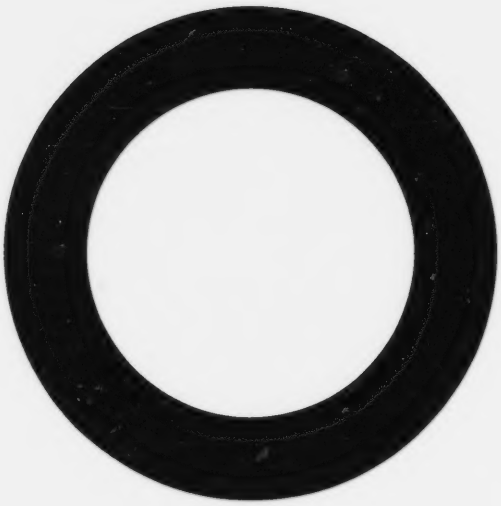
4. Assistance

To raise the effectiveness of anti-terrorist efforts, the following foreign assistance to Georgia would be recommended:

- Development of advanced electronic technologies in the area of combating terrorism to create the relevant information bank;
- Explosive identification and mine clearance facilities (robots);
- Special equipment and ammunition for mine diffusers;
- Advanced facilities for identification of explosive, nuclear and ionizing sources;
- Drug identification facilities;
- Scientific-methodic assistance and training;
- Effective help in the arrangement of international workshops to share both on-hand and off-hand experience with the countries with an extensive background in fighting terrorism and other international crimes;
- Arrangement of workshops with participation of the representatives of the Georgian law-enforcement structures as well as the specialists of similar foreign services to promote the improvement of qualifications of the personnel and enhance coordinated action between the special services of friendly countries. Besides,

we think it expedient to provide the relevant services with the relevant literature/intelligence on counter-terrorism methods and means;

- A serious challenge facing Georgia in the settlement of the chemical and radiation safety issues in the country is that Georgia cannot liquidate hazardous industrial waste and expired toxins. There is no field to bury such waste and substances in Georgia. As a result, toxic fall-outs and expired pesticides have been stored in different institutions for years (often in departure of the safety rules). Sometimes such waste is dumped to household dumpsites, posing a serious threat to public health. The country has no field to bury radioactive fall-outs that also creates a safety problem.



Annex 1

Designated Contact Points

GEORGIA

1. Contact point in the Permanent Mission of Georgia to the UN:

The Permanent Mission of Georgia to the United Nations

Contact person: Mr. George Volski, Deputy Permanent Representative

Address: One United Nations Plaza, 26 Floor,
New York, NY 10017
Tel: (212) 7759 1949
Fax: (212) 759 1832

2. Contact person in Georgia:

The National Security Council of Georgia

The National Counter-terrorism Commission

Contact person: Irakli Alasania

Address: 7 Ingorokva St., Tbilisi 380034
Tel: (995 32) 932 322
Fax: (995 32) 989 972
E-mail: ssi@gol.ge

Annex 2

1. Agreement between Georgia and the Republic of Uzbekistan on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date and place: 28.05.96, Tbilisi. Effective date: 03.11.96.

2. Agreement between the Government of Georgia and the Government of the Republic of Uzbekistan on the Exchange of Legal Information. Signature date and place: 03.02.2000, Tashkent.

3. Agreement between the Government of Georgia and the Government of the Republic of Uzbekistan on Cooperation for the Suppression of Crime. Signature date and place: 03.02.2000, Tashkent. Being partly fulfilled. Signatories: B. Gulua; M. Zhurumbekov. Ratification/approval date: - ; Effective date: 04.09.95.

4. Agreement between the Republic of Georgia and Ukraine on Legal Assistance and Legal Relations over Civil and Criminal Matters. Signature date and place: 09.01.95, Tbilisi. Effective date: 06.12.96. Signed for and on behalf of Georgia by A. Chikvaidze, Minister of Foreign Affairs of Georgia.

5. Agreement between the Government of Georgia and the Government of Turkmenistan on the Exchange of Legal Information. Signature date: 20.03.1996. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of Turkmenistan - by Batir Sarjaev, Chairman of the Cabinet of Ministers.

6. Agreement between the Government of Georgia and the Government of Turkmenistan on Mutual Legal Assistance on Criminal Matters. Signature date: 20.03.1996. Effective date: 23.01.1999. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of Turkmenistan - by Batir Sarjaev, Chairman of the Cabinet of Ministers.

7. Agreement between the Prosecutor's Office of Republic of Georgia and the Prosecutor's Office of the Russian Federation on Legal Assistance and Cooperation. Signature date and place: 20.05.95, Moscow and 21.05.93 in Tbilisi, Put into effect on the date of signature.

8. Agreement between the Prosecutor's Office of Republic of Georgia and the Prosecutor's Office of the Russian Federation on the Exchange of Legal Information. Signature date and place: 23.06.94, Moscow. Put into effect on the date of signature. Signed on behalf of Georgia - by T. Ninidze, Minister of Justice, and on behalf of the Russian Federation - by G. S. Kuznetsov, Deputy Minister for Cooperation with the CIS Parties.

9. Agreement between the Republic of Georgia and the Russian Federation on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date and place: 15.09,95 in Tbilisi. Subject to ratification. Not ratified by the parties. Signed on behalf of Georgia by Chairman of the Parliament of Georgia - Head of State E. Shevardnadze, on behalf of the Russian Federation - by Chairman of the Council of Ministers - Government of the Russian Federation V. Chernomirdin.

10. Agreement between the Government of Georgia and the Government of the Republic of Kirgizstan on the Exchange of Legal Information. Put into force on the date of signature. Signed by I. Menagarishvili and R. Otunbaeva.

11. Agreement between the Government of Georgia and the Government of the Republic of Kazakhstan on Legal Assistance and Legal Relations over Civil and Criminal Matters. Tbilisi, September 17, 1996. Ratified by the Parliament of Georgia on 5.03.1997. The note was sent to Kazakhstan on 13.03.97. No information from Kazakhstan.

12. Agreement between the Government of Georgia and the Government of the Republic of Kazakhstan on Extradition of Criminals for their Prosecution or Execution of Sentence against them. Tbilisi, September 17, 1996. Ratified by the Parliament of Georgia on 5.03.1997. The note was sent to Kazakhstan on 25.03.97. No information from Kazakhstan.

13. Agreement between the Executive Authority of Georgia and the Government of the Republic of Kazakhstan on Exchange of Legal Information. Tbilisi, October 22, 1998. Signed on behalf of Georgia by Justice Minister L. Chanturia, on behalf of Kazakhstan - by First Vice-minister of Justice M. Vaisov. Put into force

after completion of domestic procedures upon the date of last written notice. Sent to the President's Staff on October 23, 1998. Kazakhstan has completed the procedures. Effective since 02.04.99.

14. Agreement between Georgia and the Republic of Azerbaijan on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters. Signature date: 8.03.1996. Ratified by Georgia on 12.06.1996. Ratified by Azerbaijan on 19.04.1996. Effective since 18.02.1997. Signed on behalf of Georgia by State Minister N. Lekishvili and on behalf of Azerbaijan - by Kuliev.

15. Agreement between the Government of Georgia and the Republic of Azerbaijan on the Exchange of Legal Information. Put into force after completion of domestic procedures. Approved by Decree of June 12, 2000 of the President of Georgia. The note has been sent. Signed on behalf of Georgia by Justice Minister J. Khetsuriani and on behalf of Azerbaijan - Justice Minister S. Gasanova.

16. Agreement between Georgia and the Republic of Armenia on Extradition. Signature place and date: Erevan, 2-3 May, 1997. Put into force after ratification. Ratified by Georgia on April 1, 1998. Signed on behalf of Georgia by State Minister N. Lekishvili.

17. Agreement between Georgia and the Republic of Armenia on Legal Assistance on Criminal Matters. Tbilisi. June 4-5, 1995. Requires ratification. Ratified by Georgia on June 15, 1997. The note was sent to the Embassy of Armenia on 05.06.97. The Department has no information from Armenia. Signed by Minister of Foreign Affairs of Georgia I. Menagarishvili and --.

18. Memorandum of Understanding among the Ministry of National Security of Georgia, the General Prosecutor's Office of Georgia, the Ministry of Internal Affairs of Georgia, the Ministry of Tax Revenues of Georgia and the Association of Senior Police Officers of the United Kingdom of Great Britain and Northern Ireland, the Royal Prosecutor's Office of England and Wells, Her Majesty's Customs and Excise Office, the National Subdivision for Crime, and the National Criminal Investigation Office on Cooperation over the Issues of Grave Crime, Organized Crime, Unlawful Circulation of Drugs and Other Issues of Common Interests. Signed on June 23, 2000, Valid since the date of signature. Signed on behalf of Georgia by Deputy Security MinisterT. Grdzelidze, Deputy Minister of Internal Affairs V. Bakuradze, Deputy General Prosecutor A. Baluashvili, and Deputy Minister of Tax Revenues D. Mumladze.

19. Agreement between Georgia and the Republic of Greece on Legal Assistance on Civil and Criminal Matters. Tbilisi. May 10, 1999. Put into force after completion of domestic procedures. The Greek party completed the domestic procedures (The Note 358, May 25, 2000). Ratified by the Parliament of Georgia on June 14, 2000. The Note N11-17/744 was sent on July 4, 2000. Confirmation expected. Signed by Minister of Foreign Affairs of Georgia I. Menagarishvili and Minister of Foreign Affairs of Greece G. Niotisi.

20. Agreement between the Republic of Georgia and the Republic of Bulgaria on Legal Assistance on Criminal Matters. Sophia. June January 19, 1995. Requires ratification. Ratified by the Parliament of Georgia on 02.04.96. Valid since June 6, 1996. Signed on behalf of Georgia by Minister of Foreign Affairs of Georgia I. Menagarishvili and on behalf of Bolgaria --.

21. Agreement between Georgia and the Republic of Armenia on Legal Assistance on Civil, Commercial and Criminal Matters. April 4, 1996, Ankara. Ratified by the Parliament of Georgia on 27.06.96. Turkey completed the procedures on 08.10.97. Valid since January 15, 1998. Signed on behalf of Georgia by Justice Minister T. Ninidze.

22. Agreement between the Executive Authority of Georgia and the Arab Republic of Egypt on Cooperation for the Suppression of Crime. June 3, 1999. Put into force after completion of domestic procedures. Approved by Decree N 482, August 10, 2000 of the President of Georgia. The note has been sent. Signed on behalf of Georgia by Minister of Foreign Affairs Irakli Menagarishvili and on behalf of the Arab Republic of Egypt by Minister of Foreign Affairs Amr Musa.

23. Agreement between the Government of the Republic of Georgia and the Government of the Republic of Uzbekistan on Cooperation for the Suppression of Crime. Signature date and place: 04.09.95, Tashkent. Signatories: B. Gulua; M. Zhurumbekov. Effective since the date of signature.

24. Agreement between the Ministry of Internal Affairs of the Republic of Georgia and the Ministry of Internal Affairs of the Republic of Armenia on Cooperation for the Suppression of Crime. Signature date and place: May 11, 1993. Effective since the date of signature.

25. Agreement between the Government of Georgia and the Government of the Republic of Latvia on Joint Fight against Terrorism, Unlawful Circulation of Drugs and Organized Crime. Signed on October 26, 2001. Enters into force after completion of domestic procedures. Not effective. Signed on behalf of Georgia by K. Targamadze.

26. Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation, September 23, 1971. Montreal (May 20, 1994). Depositor - the USSR, the USA, and England.

27. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (February 24, 1988) appended to the Convention on the Suppression of the Unlawful Acts against the Safety of Civil Aviation adopted on September 23, 1971 in Montreal (March 17, 1999).

28. Convention against Recruitment, Use, Financing and Training of Mercenaries. Depositor - the United Nations (answer expected from the United Nations).

29. Agreement on Combating Crimes and Its Organized Forms between the Governments of the Member States of the Black Sea Economic Cooperation. Effective for Georgia since July 27, 2000.

30. The European Convention on Combating Terrorism (March 15, 2001).

31. Resolution on the Counter-Terrorist Center of the CIS Member States. Sent for ratification on November 20, 2001 (December 1, 2001).

32. The CIS Convention on Legal Assistance and Legal Relations over Civil, Family and Criminal Matters (January 22, 1993, Minsk).

33. The CIS Agreement on Cooperation for Combating Crime between the CIS Member States (November 25, 1998, Moscow). Georgia has not completed domestic procedures yet.

34. Agreement on Cooperation for Combating Terrorism between the CIS Member States (June 4, 1999, Minsk). Georgia has not completed domestic procedures yet.

35. The April 20, 1959 European Convention on Mutual Assistance on Criminal Matters (January 11, 2000).

36. The European Convention on Extradition (September 13, 2001).

United Nations S/2002/4

Security Council

Distr.: General
2 January 2002

Original: English

Letter dated 2 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Uzbekistan, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-22223 (E) 050302 270302

Annex

Letter dated 27 December 2001 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I have the honour to enclose a report from the Republic of Uzbekistan to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

I should be grateful if you would have the text of the present letter and the enclosed report circulated as a document of the Security Council.

(*Signed*) Alisher **Vohidov**
Permanent Representative

Enclosure

Report of the Republic of Uzbekistan to the Counter-Terrorism Committee pursuant to paragraph 6 of resolution 1373 (2001) of 28 September 2001

[Original: Russian]

Operative paragraph 1

Subparagraphs (b) and (c)

The criminal legislation of the Republic of Uzbekistan establishes criminal liability for the commission of the following crimes:

Chapter 8. Crimes against the peace and security of mankind: art. 154 (Mercenarism), art. 155 (Terrorism) and art. 156 (Incitement to national, racial or religious hatred).

Chapter 9. Crimes against the Republic of Uzbekistan: art. 158 (Attacks against the President of the Republic of Uzbekistan), art. 159 (Attacks against the constitutional order of the Republic of Uzbekistan) and art. 161 (Sabotage).

Chapter 17. Crimes against public security: art. 242 (Organization of a criminal association), art. 243 (Legalization of the proceeds of criminal activities), art. 244-1 (Preparation and distribution of materials containing a threat to public security and public order), art. 244-2 (Creation or direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations), art. 247 (Illegal possession of firearms, ammunition, explosive substances or explosive devices), art. 251 (Illegal possession of virulent or toxic substances), art. 252 (Illegal possession of radioactive materials), art. 255-1 (Preparation, manufacture, stockpiling, acquisition, transmission, maintenance, illegal possession and other activities involving bacteriological, chemical and other types of weapons of mass destruction).

The procedure for the freezing (seizure) of bank accounts and deposits is regulated by the Code of Criminal Procedure of the Republic in accordance with art. 290 (Seizure of property) of the Code of Criminal Procedure of the Republic of Uzbekistan.

Operative paragraph 2

Subparagraphs (a) and (b)

- Specialized organs are responsible for the registration and protection of depots and armouries of weapons and ammunition, and for control of their use and storage;
- In the conduct of border control of persons, means of transport and freight crossing the State frontier, measures are taken with a view to detecting weapons, explosive substances and instruments of sabotage, including the use of surveillance dogs and special technical facilities;

- The customs authorities, in accordance with the powers assigned to them (Act of the Republic of Uzbekistan on the State Customs Service; the Customs Code of the Republic of Uzbekistan; and other legislative acts) and in the prescribed manner exercise customs control of the baggage and hand-carried articles of citizens crossing the customs border as well as of goods and vehicles crossing the customs border;

- Special attention is given to detecting contraband weapons and ammunition; explosive, toxic and radioactive substances; narcotic drugs and psychotropic substances and precursors; and printed and graphic materials and publications intended to undermine the State and public order, violate territorial integrity, political independence and State sovereignty, or containing propaganda for war, terrorism, violence or racism and its manifestations;

- In 2000, the Act of the Republic of Uzbekistan on the War against Terrorism was adopted. It provides for measures and powers to counter the forces of international terrorism;

- In the context of the above Act, recommendations were elaborated and submitted to the competent departmental units with the view to identifying persons involved in terrorist activities, with an enumeration of their characteristics;

- Measures are in effect to avert, detect and intercept attempts to effect the illegal transport at crossing points on the State frontier of the Republic of Uzbekistan of narcotic drugs, psychotropic and explosive substances, explosive devices, munitions, weapons and ammunition, nuclear, biological, chemical or other types of weapons of mass destruction, or materials and equipment which could be used in committing terrorist acts, and additional powers are exercised in accordance with the legislation;

- Activities are regulated by intergovernmental and interdepartmental agreements on matters related to the war against illicit narcotic drugs, psychotropic substances and precursors, and other violations of customs laws.

Subparagraphs (c) and (d)

Activities in the context of the above paragraphs are carried out in accordance with the Act of the Republic of Uzbekistan on the War against Terrorism and with the provisions of the various United Nations conventions and protocols.

Subparagraph (g)

- With the view to preventing the crossing of the State frontier of the Republic of Uzbekistan by persons who are members of terrorist organizations or are cited in connection with terrorist activities in the territories of other States on the basis of information received from the National Centre of Interpol in Tashkent, the persons concerned are registered at crossing points on the State frontier, and measures are taken to detect and prevent the entry into and exit from the Republic of Uzbekistan of the persons concerned;

- Taking into account the efforts of terrorists to seize aircraft and bearing in mind the tactics employed in the commission of terrorist acts, the Republic has elaborated supplementary measures (preservation and inspection regimes, etc.)

designed to reinforce measures ensuring a preservation regime in connection with airports, aircraft and communications.

Operative paragraph 3

Subparagraphs (a), (b) and (c)

- Exchange of information among the services of foreign States is effected in the context of existing agreements and treaties;
- A specialized interdepartmental databank has been set up encompassing virtually all aspects of counter-terrorism throughout the Republic. A working meeting was held with competent officials and participants concerned with this matter with the view to solving the basic aspects of the functioning of the databank and other technical questions;
- Coordination with partners in other countries has been established. It is based on the exchange of information concerning unlawful activities of the leaders and active members of gangs; the joint elaboration of statutory acts and agreements relating to counter-terrorism; the conduct of coordinated operations to prevent a number of dangerous crimes, including illicit trafficking in narcotic drugs; and personnel training.

Subparagraph (d)

Uzbekistan is a party to all 12 United Nations conventions and protocols relating to the war against international terrorism.